



REGISTRAR OF REGULATIONS

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## COMMONWEALTH of VIRGINIA

### Department of Health DIVISION OF SHELLFISH SANITATION

109 Governor Street, Room 614-B  
Richmond, VA 23219

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### NOTICE AND DESCRIPTION OF SHELLFISH AREA CONDEMNATION NUMBER 053-222, BENNETT CREEK

**EFFECTIVE 20 MARCH 2008**

Pursuant to Title 28.2, Chapter 8, §§28.2-803 through 28.2-808, §32.1-20, and §2.2-4002, B.16 of the *Code of Virginia*:

1. The "Notice and Description of Shellfish Area Condemnation Number 053-222, Bennett Creek," effective 21 March 2007, is cancelled effective 20 March 2008.
2. Condemned Shellfish Area Number 053-222, shown as Sections A through D, is hereby established, effective 20 March 2008. It shall be unlawful for any person, firm, or corporation to take shellfish from these areas for any purpose, except by permit granted by the Marine Resources Commission, as provided in § 28.2-810 of the *Code of Virginia*. The boundaries of these areas are shown on the map titled "Bennett Creek, Condemned Shellfish Number 053-222, 20 March 2008" which is part of this notice.
3. Seasonally Condemned Shellfish Number 053-222, shown as Section M1, is hereby established, effective 1 April 2008, and shall remain in force annually thereafter for the period beginning the first day of April through the last day of October until rescinded. It is unlawful for any person, firm or corporation to take shellfish from this area during such period for any purpose, except by permit granted by the Marine Resources Commission, as provided in §28.2-810 of the *Code of Virginia*. The boundary of this area is shown on the map titled "Bennett Creek, Condemned Shellfish Number 053-222, 20 March 2008" which is part of this notice.
4. The Department of Health will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision of this order.

#### BOUNDARIES OF CONDEMNED AREA NUMBER 053-222

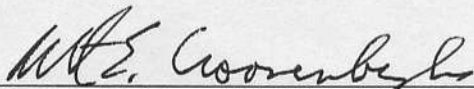
- A. The condemned area shall that portion of Roberts Creek and its tributaries lying upstream of a line drawn from latitude / longitude map coordinate (37°09'24.3", -76°23'40.7") to map coordinate (37°09'21.2", -76°23'36.7").
- B. The condemned area shall that portion of Lyons Creek and its tributaries lying upstream of a line drawn from latitude / longitude map coordinate (37°08'57.7", -76°22'57.2") to map coordinate (37°08'54.4", -76°22'55.1").

**VDH** VIRGINIA  
DEPARTMENT  
OF HEALTH  
*Protecting You and Your Environment*

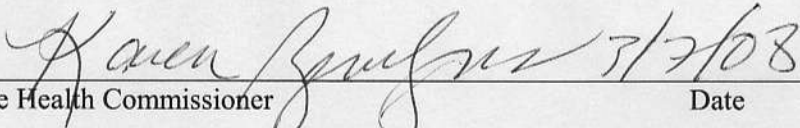
[www.vdh.virginia.gov/shellfish](http://www.vdh.virginia.gov/shellfish)

- C. The condemned area shall include all of White House Cove and its tributaries lying upstream of a line drawn from latitude / longitude map coordinate (37°08'49.2", -76°22'26.5") to map coordinate (37°08'43.2", -76°22'17.7").
- D. The condemned area shall include that portion of Floyds Bay and its tributaries lying upstream of a line drawn from latitude / longitude map coordinate (37°08'27.8", -76°22'07.2") to map coordinate (37°08'25.1", -76°22'03.9").
- M1. The condemned area shall include that portion of Bennett Creek lying upstream of a line drawn from latitude/longitude map coordinate (37°08'52.4", -76°22'26.5") to map coordinate (37°08'50.6", -76°22'17.4"), but excluding the area defined as Section C; and lying downstream of a line drawn from latitude / longitude map coordinate (37°08'41.2", -76°22'18.9") to map coordinate (37°08'41.2", -76°22'11.5").

Recommended by:

  
\_\_\_\_\_  
Director, Division of Shellfish Sanitation

Ordered by:

 3/7/08  
\_\_\_\_\_  
State Health Commissioner Date

**Virginia Department of Health  
Bennett Creek  
Condemned Shellfish Area 053-222  
20 March 2008**

